



# Judicial Council of California

2850 Gateway Oaks Dr.,  
Suite 100  
Sacramento, CA  
95833

## Meeting Agenda

## Judicial Council

Meeting materials  
are available through  
the hyperlinks in  
this document.

*Open to the Public Unless Indicated as Closed  
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to  
JCCAccessCoordinator@jud.ca.gov*

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Friday, January 17, 2020

9:00 AM

Sacramento

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### **CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

Session: 9:00 a.m. – 9:30 a.m.

Transitional Break: 9:30 a.m. – 9:45 a.m.

### **OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA**

Session: 9:45 a.m. – 12:30 p.m.

#### **Call to Order**

#### **Public Comment**

*The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items as it can enhance the council's understanding of the issues coming before it. For more information about meeting attendance and public comment procedures, visit:*

<http://www.courts.ca.gov/28045.htm>

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, January 14.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, January 15.

*Submit advance requests to speak, written comments, or questions by e-mail to:*

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

*or by postal mail or delivery in person to:*

*Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Cliff Alumno*

## **Approval of Minutes**

[20-065](#)      **Minutes of November 14, 2019 Judicial Council meeting.**

## **Chief Justice's Report**

*10 minutes*

## **Administrative Director's Report**

[20-066](#)      **Administrative Director's Report**

*10 minutes*

## **Judicial Council Committee Presentations**

**20-067      Judicial Council Committee Reports**

*20 minutes*

## **CONSENT AGENDA**

*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.*

[20-013](#)      **Child Support | Midyear Funding Reallocation Process for the  
Child Support Commissioner and Family Law Facilitator  
Programs (Action Required)**

**Summary:**      The Family and Juvenile Law Advisory Committee reports to the Judicial Council the results of the AB 1058 administrative midyear reallocation for fiscal years 2015-16, 2016-17, and 2017-18 and recommends that the Judicial Council combine the two AB 1058 midyear funding reallocation processes into one administrative process, to maximize program efficiencies.

[20-014](#)**Pretrial Reform | Report to the Legislature on the Pilot Program  
(Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the *Pretrial Pilot Program: Report to the Legislature* and direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2019. This report provides background on the Judicial Council's Pretrial Pilot Program and details the program's initial implementation activities at the participating pilot courts. This is the first legislative report on the Pretrial Pilot Program; it covers activities from the start of the program in August 2019 to December 2019.

[20-001](#)**Report to the Legislature | Fiscal Year 2017-18 Trial Court  
Interpreters Program Expenditure Report (Action Required)****Summary:**

The Judicial Council's Language Access Services recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2017 (Stats. 2017, ch. 14).

[20-012](#)**Report to the Legislature | Traffic: Annual Report on Online  
Traffic Adjudication and Ability-to-Pay (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive *Online Traffic Adjudication and Ability-to-Pay: Annual Report*, and direct the Administrative Director to submit this final report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2018 (Sen. Bill 847; Stats. 2018, ch. 29). The report documents the background of the pilot program, describes first-year implementation activities, provides data about the litigants making requests using the software and the resulting reductions in fines and fees, and describes the next steps of developing additional online functions.

[20-032](#)**Rules and Forms | Technical Changes to Family Law and Juvenile  
Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising one form for use in default or uncontested divorces and one mandatory form used in termination of parental rights proceedings in dependency cases to correct technical errors.

[20-023](#)**Trial Court Budget | \$10 million State-Level Reserve Policy  
(Action Required)****Summary:**

As a result of experiences implementing the \$10 million State-Level Reserve Policy, the Judicial Branch Budget Committee recommends revisions that will make the fund easier to use, easier to administer, and more efficient for those seeking emergency funds.

[20-019](#)**Trial Court Budget | 2018-19 Final One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)****Summary:**

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends approving a final one-time reduction allocation of \$6,935,081 related to the fund balance in 2018-19 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A), which nets to \$796,545 after funds held on behalf of trial court reductions.

[20-027](#)**Allocations and Reimbursements to Trial Courts | Extension on Receipt of Children's Waiting Room Funds During Temporary Closure (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension for the Superior Court of San Mateo County to continue receiving children's waiting room funds to accumulate sufficient resources in anticipation of two waiting rooms reopening on September 1, 2020. The Superior Court of San Mateo County closed its Hall of Justice facility in Redwood City and the Youth Services Center in San Mateo after the vendor canceled its contract in June 2019.

[20-028](#)**Trial Court Budget | Update to Children's Waiting Room Distribution and Fund Balance Policy (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends changes to the Children's Waiting Room Distribution and Fund Balance Policy, including an update to the timing of when children's waiting room fund balance cap reductions will occur, removal of language that is no longer relevant, other technical revisions to clarify language in the policy, and the timeline for submissions.

[20-029](#)**Trial Court Budget | Children's Waiting Room Fund Balance Cap Adjustments (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving children's waiting room fund balance cap adjustments for the Superior Courts of Contra Costa, San Bernardino, and Santa Barbara Counties. The total amount requested would increase fund balance caps by \$485,549.

[20-026](#)**Trial Court Budget | Updates to the Funds Held on Behalf of the Trial Courts Policy (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends adopting revisions to the current *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts* including streamlining the submission schedule, making a change to the recipient of the request, and providing language corrections to better align with court year-end closing, trial court allocation offsets, and requests to amend previously reviewed requests.

**DISCUSSION AGENDA**[20-025](#)**Allocations and Reimbursements to Trial Courts | Distribution of the Fee for Court Reporter Services in Civil Proceedings Lasting More Than One Hour (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the fee collected per Government Code section 68086(a)(2)-court reporter services in civil proceedings lasting more than one hour-be distributed back to trial courts on a dollar-for-dollar basis after deposit into the Trial Court Trust Fund and that this revenue stream be excluded from the Workload Formula, for consistency in allowing courts to offset costs as provided in Government Code section 68086(a)(1), court reporter services in civil proceedings lasting less than one hour.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Budget Services

*15 minutes*

[20-024](#)**Trial Court Budget | Technical Refinement of Approved Workload Formula Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends adopting technical refinements to current policy parameters for the Workload Formula. While current policy supports the objectives of the judicial branch in reaching workload-based equitable funding for trial courts, some parameters require clarification in their implementation. Providing clear allocation methodologies will further the goal of funding equity, minimize adverse funding impacts to trial courts, and provide clear direction on applying policy parameters.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Budget Services

*20 minutes*

[20-018](#)**Rules and Forms | Judicial Branch Administration: Policies on Workplace Conduct (Action Required)****Summary:**

To promote improvement and greater consistency in how judicial branch entities prevent and address harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification, the Rules and Projects Committee recommends that the Judicial Council adopt a new California Rule of Court to establish standardized baseline requirements for court policies on the prevention, reporting, and resolution of these types of complaints. This proposal originates from recommendations made by the Work Group for the Prevention of Discrimination and Harassment, and approved by the Judicial Council on July 19, 2019, with a recommendation to adopt a rule on these issues.

**Speakers:**

Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee and RUPRO Subcommittee on Prevention of Harassment and Discrimination  
Hon. Dalila C. Lyons, Vice-chair, Rules and Projects Committee and RUPRO Subcommittee on Prevention of Harassment and Discrimination  
Mr. Michael Etchepare, Legal Services

[20-002](#)**Judicial Branch Education | Fiscal Years 2020-22 Education Plan (Action Required)****Summary:**

The Center for Judicial Education and Research Advisory Committee recommends approving the fiscal years 2020-22 Education Plan, effective July 1, 2020. Through the work of its standing curriculum committees, the CJER Advisory Committee developed this plan for CJER education programs and products that will enable its judicial branch constituencies to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court.

**Speakers:**

Hon. Kimberly A. Gaab, Chair, Center for Judicial Education and Research Advisory Committee  
Ms. Karene Alvarado, Center for Judicial Education

*20 minutes*

[20-015](#)**Report to the Legislature | Recidivism Reduction Fund Court Grant Program: Final Report, 2019 (No Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*, and direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10). The report documents the Recidivism Reduction Fund court grant program, describes grant-related activities of the Judicial Council and the grantees, and addresses the effectiveness of the programs based on established outcome measures and the impact of the monies appropriated to enhance public safety and improve offender outcomes.

**Speakers:**

Ms. Shelley Curran, Criminal Justice Services

*10 minutes*

[20-034](#)**Court Innovations Grant Program | Fifth Appellate District Court of Appeal: Modernize the Transcript Assembly Program project and Self-Help and Learning Center Website Project Presentations (No Action Required. No materials for this item.)****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Fifth Appellate District Court of Appeal will present and provide information related to the court's Modernize the Transcript Assembly Program project and the Self-Help and Learning Center Website project.

**Speakers:**

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee

Mr. Brian Cotta, Clerk/Executive Officer, Court of Appeal Fifth Appellate District

*30 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[20-030](#)**Equal Access Fund | Distribution of Homelessness Prevention Funds****Summary:**

The Budget Act of 2019 provides a one-time \$20 million allocation to the judicial branch to augment the Equal Access Fund for legal services to low-income persons for landlord-tenant issues to prevent homelessness. On July 17, 2019, the Judicial Council approved allocating these funds to the State Bar, which distributes the funding to eligible legal services agencies. This report lists the legal services agencies receiving funding, the amount each will receive, and the services that will be provided with the \$14.5 million in formula funds and \$5 million in discretionary grants.

[20-005](#)**Report to the Legislature | 2018-19 Court Facilities Trust Fund Expenditures****Summary:**

Government Code section 70352(c) requires that the Judicial Council submit a report to the Legislature on actual expenditures from the Court Facilities Trust Fund after the end of each fiscal year. In 2018-19, the fund expended \$106,590,140.

[20-021](#)**Report to the Legislature | Allocation of New Judgeships Funding in 2018-19****Summary:**

The Budget Act of 2007 (Stats. 2007, ch. 171/172) requires that the Judicial Council report to the Legislature on January 1 of each year the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. The Judicial Council's Budget Services staff submitted *Report on Allocation of Funding in 2018-19 for Support of New Judgeships Authorized in 2007-08* to the Legislature on January 1, 2020.

[20-022](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings. During the January 1 through June 30, 2019, reporting period, the Superior Court of Mendocino County spent \$10,651 to purchase For the Record (FTR) Gold software and Microsoft Surface Pro tablets. These purchases were approved by Judicial Council staff on March 11, 2019 and will help facilitate the court's official record keeping in small claims, misdemeanor, and limited civil cases.

[20-004](#)**Report to the Legislature | Measures to Promote Fair and Efficient Administration of Justice****Summary:**

*Standards and Measures That Promote the Fair and Efficient Administration of Justice* is a report to the Legislature required by Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice. The report includes, but is not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.



[20-007](#)**Report to the Legislature | Peremptory Challenges in Misdemeanor Cases****Summary:**

Senate Bill 843 (Stats. 2016, ch. 33) temporarily reduces the number of peremptory challenges legal counsel may utilize in criminal misdemeanor cases from the period starting on January 1, 2017, and ending on January 1, 2021. This legislative mandate, codified as Code of Civil Procedure section 231, also requires the Judicial Council to conduct a study and submit a report to the Legislature bearing on, but not restricted to, an examination of the number of peremptory challenges used by legal counsel for the defendant and state in criminal misdemeanor cases after January 1, 2017.

Additionally, SB 843 calls for the presentation of findings pertaining to the types of misdemeanor cases that are typically decided by jury trials, and findings related to cost savings that may accrue to courts as a result of the passage of this legislation. This report represents the Judicial Council's response to this mandate.

[20-017](#)**Report to the Legislature | Receipts and Expenditures from Local Courthouse Construction Funds****Summary:**

Government Code section 70403 requires the Judicial Council to report to the budget and fiscal committees of the Legislature annually, on or before January 1, all receipts and expenditures from the local courthouse construction funds, including any amounts required to be repaid by counties, based on the information received from counties pursuant to section 70402. The attached Receipts and Expenditures from Local Courthouse Construction Funds report provides information for the reporting period of July 1, 2018, to June 30, 2019.

The attached annual report reflects 30 counties collecting courthouse construction funds with revenues totaling \$39 million and expenditures of \$34.5 million. During this reporting period, two counties, Orange and Tulare, transferred the balance of their courthouse construction funds to the State Court Facilities Construction Fund, totaling \$4.5 million.

[20-016](#)**Report to the Legislature | Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies)****Summary:**

The *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75 of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[20-008](#)**Report to the Legislature | State Trial Court Electronic Filing and Document Service Accessibility Compliance****Summary:**

Assembly Bill 103 (Stats. 2017, ch. 17), the public safety bill approved by the Governor on June 27, 2017, amended Code of Civil Procedure section 1010.6(g), which requires that any system for the electronic filing and service of documents used by a California trial court must be accessible to individuals with disabilities as provided in the statute. The amendment also requires the council to submit four reports between June 2018 and December 2023 to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. This December 2019 report is the second of the four submissions.

[20-020](#)**Report to the Legislature | Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2018-19****Summary:**

Government Code sections 68502.5(b) and 77202.5(b) require the Judicial Council to report to the Legislature the following financial data from all fund sources, by individual trial court, with totals for all trial courts and each trial court: revenues; expenditures at the program, component, and object levels; and fund balances. The report must be submitted on or before December 31 following the close of each fiscal year. The Judicial Council's Budget Services office submitted the attached report, *Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for 2018-19, to the Legislature on December 31, 2019.*

[20-011](#)**Trial Courts | Quarterly Investment Report for Third Quarter of 2019****Summary:**

This Trial Courts: Quarterly Investment Report for Third Quarter of 2019 covers the period of July 1, 2019, through September 30, 2019, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

**Circulating Orders**[20-092](#)**Circulating Orders since the last business meeting.****Appointment Orders**[20-093](#)**Appointment Orders since the last business meeting.****Adjournment (approximately 12:30 p.m.)**